



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB5525

by Rep. Lawrence M. Walsh, Jr.

#### SYNOPSIS AS INTRODUCED:

70 ILCS 200/280-80

Amends the Civic Center Code. Provides that contracts for the sale of property with a value greater than \$30,000 (currently \$10,000) or contracts for supplies, materials, equipment, and services with expenses exceeding \$30,000 (currently \$10,000) shall be competitively bid. Provides that contracts involved less than \$30,000 (currently \$10,000) shall be competitively bid whenever possible. Further provides that contracts shall not be split into parts less than \$30,000 (currently \$10,000) to avoid competitive bidding. Effective immediately.

LRB099 18130 AWJ 42496 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Civic Center Code is amended by changing  
5 Section 280-80 as follows:

6 (70 ILCS 200/280-80)

7 Sec. 280-80. Contracts; bidding. All contracts for the sale  
8 of property of the value of more than \$30,000 ~~\$10,000~~ or for  
9 any concession in or lease of property of the Authority for a  
10 term of more than one year shall be awarded to the highest  
11 responsible bidder, after advertising for bids. All  
12 construction contracts and contracts for supplies, materials,  
13 equipment and services, when the expense thereof will exceed  
14 \$30,000 ~~\$10,000~~, shall be let to the lowest responsible bidder,  
15 after advertising for bids excepting (1) when repair parts,  
16 accessories, equipment or services are required for equipment  
17 or services previously furnished or contracted for; (2) when  
18 the nature of the services required is such that competitive  
19 bidding is not in the best interest of the public, including,  
20 without limiting the generality of the foregoing, the services  
21 of accountants, architects, attorneys, engineers, physicians,  
22 superintendents of construction, and others possessing a high  
23 degree of skill; and (3) when services such as water, light,

1 heat, power, telephone or telegraph are required.

2 All contracts involving less than \$30,000 ~~\$10,000~~ shall be  
3 let by competitive bidding whenever possible, and in any event  
4 in a manner calculated to ensure the best interests of the  
5 public.

6 Competitive bidding is not required for the lease of real  
7 estate or buildings owned or controlled by the Authority on  
8 July 13, 1982 (the effective date of Public Act 82-786). The  
9 Board is empowered to offer such leases upon such terms as it  
10 deems advisable.

11 In determining the responsibility of any bidder, the Board  
12 may take into account the past record of dealings with the  
13 bidder, the bidder's experience, adequacy of equipment, and  
14 ability to complete performance within the time set, and other  
15 factors besides financial responsibility, but in no case shall  
16 any such contracts be awarded to any other than the highest  
17 bidder (in case of sale, concession or lease) or the lowest  
18 bidder (in case of purchase or expenditure) unless authorized  
19 or approved by a vote of at least three-fourths of the members  
20 of the Board, and unless such action is accompanied by a  
21 statement in writing setting forth the reasons for not awarding  
22 the contract to the highest or lowest bidder, as the case may  
23 be, which statement shall be kept on file in the principal  
24 office of the Authority and open to public inspection.

25 From the group of responsible bidders the lowest bidder  
26 shall be selected in the following manner: to all bids for

1 sales the gross receipts of which are not taxable under the  
2 "Retailers' Occupation Tax Act", approved June 28, 1933, as  
3 amended, there shall be added an amount equal to the tax which  
4 would be payable under said Act, if applicable, and the lowest  
5 in amount of said adjusted bids and bids for sales the gross  
6 receipts of which are taxable under said Act shall be  
7 considered the lowest bid; provided, that, if said lowest bid  
8 relates to a sale not taxable under said Act, any contract  
9 entered into thereon shall be in the amount of the original bid  
10 not adjusted as aforesaid.

11 Contracts shall not be split into parts involving  
12 expenditures of less than \$30,000 ~~\$10,000~~ for the purposes of  
13 avoiding the provisions of this Section, and all such split  
14 contracts shall be void. If any collusion occurs among bidders  
15 or prospective bidders in restraint of freedom of competition,  
16 by agreement to bid a fixed amount or to refrain from bidding  
17 or otherwise, the bids of such bidders shall be void. Each  
18 bidder shall accompany his bid with a sworn statement that he  
19 has not been a party to any such agreement.

20 Members of the Board, officers and employees of the  
21 Authority, and their relatives within the fourth degree of  
22 consanguinity by the terms of the civil law, are forbidden to  
23 be interested directly or indirectly in any contract for  
24 construction of maintenance work or for the delivery of  
25 materials, supplies or equipment.

26 The Board shall have the right to reject all bids and to

1 readvertise for bids. If after any such advertisement no  
2 responsible and satisfactory bid, within the terms of the  
3 advertisement, shall be received, the Board may award such  
4 contract, without competitive bidding, provided that it shall  
5 not be less advantageous to the Authority than any valid bid  
6 received pursuant to advertisement.

7 The Board shall adopt rules and regulations to carry into  
8 effect the provisions of this Section.

9 (Source: P.A. 93-491, eff. 1-1-04.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.